

PATENT
5119-00501

1641/\$
Jsw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/287,248
Confirmation No.: 6075
Filing Date: April 7, 1999
Inventors: McDevitt et al.

Title: FLUID BASED ANALYSIS
OF MULTIPLE ANALYTES
BY A SENSOR ARRAY

§ Examiner: K. Padmanabhan
§ Art Unit: 1641
§ Atty. Dkt. No.: 5119-00501
§

<p>CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8</p> <p>DATE OF DEPOSIT: <u>5/24/04</u></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to:</p> <p>Commissioner for Patents Alexandria, VA 22313-1450</p> <p><u>Jackie L. Pitre</u> Jackie L. Pitre</p>
--

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING REJECTIONS

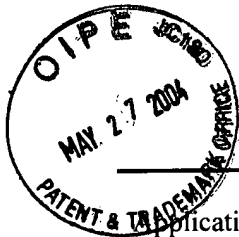
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. Applicant is the owner of all rights in the captioned patent application. Applicant certifies that it is the assignee of the entire right, title and interest in the captioned patent application by virtue of an assignment, the assignment recorded with the Patent and Trademark Office at Reel 010140, Frame 0505.
2. Applicant is the owner of all rights in U.S. Patent No. 6,602,702. Applicant certifies that it is the assignee of the entire right, title and interest in U.S. Patent No. 6,602,702 by virtue of an assignment, the assignment recorded with the Patent and Trademark Office at Reel 011501, Frame 0875.

05/28/2004 MMEKONEN 00000125 501505 09287248

01 FC:2814 55.00 DA



PATENT
5119-00501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/287,248

Confirmation No.: 6075

Filing Date: April 7, 1999

Inventors: McDevitt et al.

Title: FLUID BASED ANALYSIS OF
MULTIPLE ANALYTES BY A
SENSOR ARRAY

Examiner: K. Padmanabhan

Art Unit: 1641

Atty. Dkt. No.: 5119-00501

<p>CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8</p> <p>DATE OF DEPOSIT: <u>5/24/04</u></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to:</p> <p>Commissioner for Patents Alexandria, VA 22313</p> <p><u>Jackie L. Pitre</u> Jackie L. Pitre</p>

FEE AUTHORIZATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

The Commissioner is hereby authorized to charge the following fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5119-00501:

\$55.00 – Submission of a Terminal Disclaimer

Total Amount: \$55.00

Attorney Docket No.: 5119-00501

The Commissioner is also authorized to charge any other fees which may be necessary to the same account number.

Respectfully submitted,

Eric B. Meyertons
Eric B. Meyertons
Reg. No. 34,876
Attorney for Applicants

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. Box 398
Austin, Texas 78767-0398
Ph: (512) 853-8800
Fax: (512) 853-8801
Date: 5/24/04

3. As sole owner in the captioned patent application, Applicant hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the captioned patent application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,602,702.

4. Applicant hereby agrees that any patent granted on the captioned patent application shall be enforceable only for and during such period that the patent and U.S. Patent No. 6,602,702 are commonly owned. This agreement runs with any patent granted on the captioned patent application and is binding upon the grantee of such patent, and its or his successors or assigns.

5. In making the above disclaimer, Applicant does not disclaim the terminal part of any patent granted on the captioned patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of U.S. Patent No. 6,602,702, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,602,702 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

6. Applicant is the owner of all rights in U.S. Patent No. 6,680,206. Applicant certifies that it is the assignee of the entire right, title and interest in U.S. Patent No. 6,680,206 by virtue of an assignment, the assignment recorded with the Patent and Trademark Office at Reel 010308, Frame 0890.

7. As sole owner in the captioned patent application, Applicant hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the captioned patent application which would extend beyond the expiration date of the full statutory term defined in 35

U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,680,206.

8. Applicant hereby agrees that any patent granted on the captioned patent application shall be enforceable only for and during such period that the patent and U.S. Patent No. 6,680,206 are commonly owned. This agreement runs with any patent granted on the captioned patent application and is binding upon the grantee of such patent, and its or his successors or assigns.

9. In making the above disclaimer, Applicant does not disclaim the terminal part of any patent granted on the captioned patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of U.S. Patent No. 6,680,206, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,680,206 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

10. Applicant is the owner of all rights in U.S. Patent Application No. 10/427,744. Applicant certifies that it is the assignee of the entire right, title and interest in U.S. Patent Application No. 10/427,744 by virtue of an assignment, the assignment recorded with the Patent and Trademark Office at Reel 014427, Frame 0601.

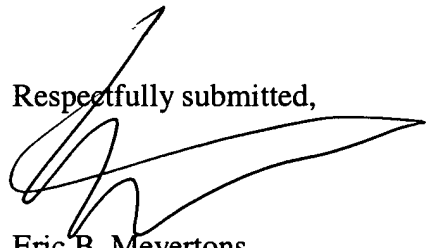
11. As sole owner in the captioned patent application, Applicant hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the captioned patent application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer, of any patent granted on U.S. Patent Application No. 10/427,744.

12. Applicant hereby agrees that any patent granted on the captioned patent application shall be enforceable only for and during such period that the patent and any patent granted on U.S. Patent Application No. 10/427,744 are commonly owned. This agreement runs with any patent granted on the captioned patent application and is binding upon the grantee of such patent, and its or his successors or assigns.

13. In making the above disclaimer, Applicant does not disclaim the terminal part of any patent granted on the captioned patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of a patent granted on U.S. Patent Application No. 10/427,744, as presently shortened by any terminal disclaimer, in the event that the patent granted on U.S. Patent Application No. 10/427,744 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

14. A fee authorization for the required fee is attached.

Respectfully submitted,



Eric B. Meyertons
Reg. No. 34,876

Attorney for Applicant

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. Box 398
Austin, Texas 78767-0398
(512) 853-8800 (voice)
(512) 853-8801 (facsimile)

Date: 5/24/04